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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,589	01/29/2004	Karl Heinz Kremer	H10476/DPS	5210
1333 7590 09/27/2007 EASTMAN KODAK COMPANY PATENT LEGAL STAFF 343 STATE STREET ROCHESTER, NY 14650-2201			EXAMINER NGUYEN, ALLEN H	
			ART UNIT 2625	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for-reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/767,589	Applicant(s) KREMER ET AL.	
	Examiner Allen H. Nguyen	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>09/12/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 09/12/2005 has been considered by the examiner.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-6, 16-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1, 16 are drawn to functional descriptive material NOT claimed as residing on a computer readable medium. MPEP 2106.IV.B.1(a) (Functional Descriptive Material) states:

"Data structures not claimed as embodied in a computer-readable medium are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer."

"Such claimed data structures do not define any structural or functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized."

Claims 1, 16, while defining a program (whatever is claimed; e.g., a computer program, an algorithm, a medium, a program providing medium, a memory, etc.), does not define a "computer-readable medium" and is thus non-statutory for that reasons. A program (whatever is claimed; e.g., a computer program, an algorithm, a medium, a

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program providing medium, a memory, etc.) can range from paper on which the program is written, to a program simply contemplated and memorized by a person. The examiner suggests amending the claim to embody the program on "computer-readable medium" in order to make the claim statutory.

"In contrast, a claimed computer-readable medium encoded with the data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory." - MPEP 2106.IV.B.1(a)

Regarding claims 2-6, 17-20, claims 2-6, 17-20 are dependent from their respective base claims 1, 16. Therefore, claims 2-6, 17-20 are rejected for the reason given in the claims 1, 16.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuwata et al. (US 2003/0222916).

Regarding claim 1, Kuwata '916 discloses a computer program (a software algorithm 106, fig. 1) for controlling creation and insertion of tab stock into a document

(that defines the behavior of the tab processing within the system 100 by performing object processing, page 1, paragraph [0014]) comprising the steps of:

adding one or more banks of tabs to the document (Add Bank, fig. 2) wherein each tab has a location spaced from a reference location of the document (a menu option denoted Tab Set/New to define a collection of tab sheets as a tab object, page 2, paragraph [0019]);

inserting text or graphics onto one or more of the tabs in the banks of tabs (i.e., a user to generate tab information that can easily be managed through a number of processes, including editing, inserting, deleting, copying, etc., all processes that are similar to the way in which text is handled in a standard word processor application; see page 1, paragraph [0011]);

selecting a style for the text or graphics on each tab having text or graphics (Font Style, fig. 2);

activating a tab by selecting a page in the document for designating the relative location of the active tab (by checking the Tab Sheets, fig. 2);

balancing the active tabs (editing of the tab objects, page 1, paragraph [0014]);

discarding inactive tabs (by un-checking the Tab Sheet, fig. 2).

Regarding claim 2, Kuwata '916 discloses the computer program further comprising:

storing a template of banks of tabs (a view model or object 108, fig. 1);

storing a name identifying each template (Tab Caption, fig. 2);

storing a position of each tab in each bank of tabs relative to the reference location of a document (Alignment, fig. 2).

Regarding claim 3, Kuwata '916 discloses the method wherein the step of inserting text or graphics comprises receiving, storing or displaying data signals representative of text or graphics for the tab (i.e., tab information that can easily be managed through a number of processes, including editing, inserting, deleting, copying, etc., all processes that are similar to the way in which text is handled in a standard word processor application; see page 1, paragraph [0011]).

Regarding claim 4, Kuwata '916 discloses the method wherein the step of selecting a style comprises selecting a type of font and a size of font for the text (i.e., The tab attributes include the text font name and size, the orientation and layout of the text in the tab area, the tab position on the tab sheet, and the position of the tab sheet in the overall document compilation; see page 1, paragraph [0016], fig. 2).

Regarding claim 5, Kuwata '916 discloses the method wherein the step of balancing the tabs comprises evenly spacing the active tabs relative to the reference edge of the document (the Tab Paper Properties menu selection allows the user to modify the number of tabs per sheet, the tab dimensions, and the print properties of the tab text, i.e., font name, font size, and text orientation; see page 2, paragraph [0019]).

Regarding claim 6, Kuwata '916 discloses the method wherein the step of discarding the unused tabs comprises sending the unused tabs to a purge exit in a printer (to move a tab caption, the user selects the one or more tabs to be moved by placing a check mark in a field associated with each tab, and chooses an Edit/Cut selection to remove the tabs; see page 2, paragraph [0026]).

Regarding claim 7, Kuwata '916 discloses a method for adding tabs (Add Bank, fig. 2) to a document and generating a tabulated document (Tab Set/New to define a collection of tab sheets, paragraph [0019], fig. 2) comprising:

- storing a multipage document with a reference corner for locating tabs (the user selects the one or more tabs to be copied by placing a check mark in a location associated with the tab, page 2, paragraph [0023]);

- storing one or more templates of bank(s) of tabs (the user positions the cursor at the place where the new tab is to be inserted, and chooses an Insert New Tab selection to insert a blank new tab; page 2, paragraph [0024]) including the size of each tab (Font Size, fig. 2) and the location of each tab (Alignment, fig. 2) relative to a reference corner of a stored multipage document (a thumbnail view of multiple pages, fig. 3);

- selecting a template of a bank of tabs from the stored templates (a view model or object 108, fig. 1);

- displaying locations of the tabs with respect to the reference corner of the multipage document (a thumbnail view of multiple pages, fig. 3);

at one or more tab locations in the bank of tabs (Before Page, fig. 2), entering a page number of the multipage document where tab will appear (Tab Caption, fig. 2);

adding indicia to the selected tabs (Preview Chapter 1, fig. 2);

printing the selected tabs (the data object is for storing data representative of the tab text, related attributes, and properties of the media on which the tab text is printed, page 1, paragraph [0005]) and discarding the unselected tabs (the tab data and associated properties information are then deleted from the data object 110 and the view object 108 is updated accordingly, page 2, paragraph 0025], fig. 1).

Regarding claim 8, Kuwata '916 discloses the method wherein the tabs are inserted (a user interface that allows a user to generate tab information that can easily be managed through a number of processes, including editing, inserting, deleting, copying, etc.; see page 1, paragraph [0011]) at a position relative to the selected page and wherein that position is one of the group consisting of at, before (Before Page, fig. 2), or after the selected page.

Regarding claim 9, Kuwata '916 discloses the method comprising the further step of adding one or more bank(s) of tabs from the selected tab template (Add Bank, fig. 2).

Regarding claim 10, Kuwata '916 discloses the method further comprising storing one or more indicia templates with sets of indicia corresponding to tabular indicia (a List

View option, the text of all the corresponding tabs is displayed in a editable line-by-line list; see page 2, paragraph [0020], fig. 3).

Regarding claim 11, Kuwata '916 discloses the method comprising the further step of removing banks of unused tabs (to delete a tab caption, the user selects one or more tabs to be deleted (or cut) by placing a check mark in a field associated with each tab; see page 2, paragraph [0025]).

Regarding claim 12, Kuwata '916 discloses the method comprising the further step of removing actual or logical banks of unused tabs (to move a tab caption, the user selects the one or more tabs to be moved by placing a check mark in a field associated with each tab, and chooses an Edit/Cut selection to remove the tabs; see page 2, paragraph [0026]).

Regarding claim 13, Kuwata '916 discloses a method of creating tabulated pages and inserting the tabulated pages into a document to tabulate the document comprising:

on a graphical user interface (a user interface screenshot of the line view provided by the view object, page 2, paragraph [0019]), adding a bank of ordered tabulated pages to a table (Add Bank, fig. 2);

activating one or more tabs by selecting a page in the multipage document for locating the tab (Tab Sheets, fig. 2);

entering text data for active tabs (Tab Caption, fig. 2);

entering style data for selected tabs (Font Style, fig. 2);
designating the location of each tab relative to its selected page (Alignment, fig. 2).

Regarding claim 14, Kuwata '916 discloses the method wherein the relative location of a tab is selected from the group of relative locations consisting of before (Before Page, fig. 2), on and after the page (i.e., Tab 1 is before page 1. Therefore Tab 2 is after page 1; see fig. 2, Before Page).

Regarding claim 15, Kuwata '916 discloses a method for adding tabs to a document comprising the steps of

opening a graphical user interface for creating tabs (a user interface screenshot of the line view provided by the view object, fig. 2);

selecting a tab layout template (Preview, fig. 2);

selecting a tab style template (Font Style, fig. 2) or specify the tab style attributes (i.e., the tab attributes include the text font name and size, the orientation and layout of the text in the tab area, the tab position on the tab sheet, and the position of the tab sheet in the overall document compilation; see page 1, paragraph [0016]);

selecting a tab label template or creating tab text (the user selects a menu option denoted Tab Set/New to define a collection of tab sheets as a tab object, page 2, paragraph [0019]);

verifying that the labels of text fit the tabs (i.e., a grouping of already-defined tab captions can be cut, copied, or pasted to another group of tab captions; see page 1, paragraph [0013]);

activating one or more tabs by adding a document page number to identify the relative location of the tab (the user selects the one or more tabs to be copied by placing a check mark in a location associated with the tab, page 2, paragraph [0023]);

select a location of the tab relative to the page from the group consisting of before (Before Page, fig. 2), on and after the page number (i.e., Tab 1 is before page 1. Therefore Tab 2 is after page 1; see fig. 2, Before Page);

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuwata et al. (US 2003/0222916) in view of Schwier et al. (US 2005/0206954).

Regarding claim 16, Kuwata '916 discloses an apparatus for printing tabulated documents comprising:

a memory (i.e., where the object-based architecture/Tab Information is resident in a client computer as an embodiment of system 100; page 1, paragraph [0014], fig. 1)

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for storing one or more templates of a bank of tabs including the position of each tab in each bank of tabs relative to the reference corner of a document and the size of each tab (i.e., the system 100 includes a software algorithm 106 that defines the behavior of the tab processing within the system 100 by performing object processing with a view model (or object) 108 and a data model (or object) 110; see page 1, paragraph [0014], fig. 2);

a computer program operable to select a template for a bank of tabs from the stored templates (i.e., the code of the software algorithm 106 defines the system behavior during processing and editing of the tab objects; page 1, paragraph [0014]);

a display device for displaying a graphic user interface showing locations of tabs with respect to the reference location (the algorithm also provides a user interface that allows a user to generate tab information that can easily be managed through a number of processes; page 1, paragraph [0011]);

said computer program (program modules, page 1, paragraph [0012]) further operable to activate one or more of the tab positions of the bank of tabs (Tab Sheets, fig. 2) when said tab position (Alignment, fig. 2) is designated at a page of a multipage document (Before Page, fig. 2);

said computer program (program modules, page 1, paragraph [0012]) operable to add indicia to the activated tabs (Add Bank, fig. 2); a print engine for printing the document including inserting printed tabs with indicia into the document (the data object 110 includes the tab text, related tab attributes, and properties of the tab paper used in,

for example, a printer controller from which the tab sheet will be printed; see page 1, paragraph [0016], fig. 1);

Kuwata '916 does not disclose a printer having supply bins for holding print stock in one bin and tab stock in another bin;

discharge bins including one bin for receiving the printed, tabulated document and another bin for receiving unused tabs not activated by the computer program.

However, the above-mentioned claimed limitations are well known in the art as evidenced by Schwier '954. In particular, Schwier '954 teaches a printer having supply bins (Input Trays, fig. 3) for holding print stock in one bin and tab stock in another bin (i.e., the control device 14 controls the input trays 15 such that a predetermined sheet to be printed such as, for example, a white page of paper of a register page is drawn from a specific input tray 15/1, 15/2, 15/3, is supplied to the printing unit 13; see page 3, paragraph [0029], fig. 3);

discharge bins (Output Trays, fig. 3) including one bin for receiving the printed, tabulated document and another bin for receiving unused tabs not activated by the computer program (i.e., the printing unit 13, is printed there if applicable, is further transported from the printing unit 13 to the fixing station 17, and there is fixed and then deposited in a predetermined output tray 18/1, 18/2, 18/3; see page 3, paragraph [0029], fig. 3).

In view of the above, having the system of Kuwata '916 and then given the well-established teaching of Schwier '954, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the system of

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Kuwata '916 as taught by Schwier '954 to include: a printer having supply bins for holding print stock in one bin and tab stock in another bin; discharge bins including one bin for receiving the printed, tabulated document and another bin for receiving unused tabs not activated by the computer program, since Schwier '954 stated on page 1, paragraph [0004] that such a modification would ensure professional printing systems are often equipped with a function that allows the automatic printing of register pages.

Regarding claim 17, Kuwata '916 discloses the apparatus wherein the memory (i.e., where the object-based architecture/Tab Information is resident in a client computer as an embodiment of system 100; page 1, paragraph [0014], fig. 1) further stores templates of labels for tabular indicia (Tab Sheets, fig. 2).

Regarding claim 18, Kuwata '916 discloses the apparatus wherein the memory (i.e., where the object-based architecture/Tab Information is resident in a client computer as an embodiment of system 100; page 1, paragraph [0014], fig. 1) further stores templates of styles for tabular indicia (Font Style, fig. 2).

Regarding claim 19, Kuwata '916 discloses the apparatus wherein the memory (i.e., where the object-based architecture/Tab Information is resident in a client computer as an embodiment of system 100; page 1, paragraph [0014], fig. 1) further stores templates of banks of ordered tabular media (Add Bank, fig. 2).

Regarding claim 20, Kuwata '916 discloses the apparatus further comprising means (program modules, page 1, paragraph [0012]) for removing banks of actual or logical unused tabs (i.e., to move a tab caption, the user selects the one or more tabs to be moved by placing a check mark in a field associated with each tab; see page 2, paragraph [0026]).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tsukuba et al. (US 2003/0197882) discloses image forming apparatus for printing images properly arranged relative to index tab.

Yamamura (US 2004/0085583) discloses printing apparatus and information processing apparatus, control method thereof, program, and storage medium.

Moroney et al. (US 2005/0146750) discloses apparatus, system, and method for printing on variable form media.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen H. Nguyen whose telephone number is 571-270-1229. The examiner can normally be reached on M-F from 9:00 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Poon can be reached on (571)-272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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AN

09/24/2007


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